

REMARKS

This application has been reviewed in light of the Office Action dated October 28, 2008. Claims 1-16 are presented for examination, with Claims 1, 15, and 16 being in independent form. Claims 1, 15, and 16 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

Claim 15 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicants respectfully submit that this rejection is in error. "Computer-readable medium" claims such as Claim 15 are well known to be directed to statutory subject matter. See MPEP 2106.01 ("When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized."). Accordingly, Applicants respectfully request withdrawal of the rejection under Section 101.

The Office Action states that Claims 1-2, 4-11, 13 and 15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Appln. Publication No. 2007/0118461 (*Arkes*), in view of U.S. Patent Appln. Publication No. 2008/0021808 (*Edlund et al.*); Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Arkes* in view of *Edlund et al.* and further in view of U.S. Patent Appln. Publication 2005-0197919 (*Robertson*); Claim 12 is rejected under § 103(a) as being unpatentable over *Arkes* in view of *Edlund et al.* and further in view of U.S. Patent Appln. Publication 2004-0260645 (*Yakos*) and U.S. Patent Appln. Publication 2002/0062249 (*Iannacci*); Claim 14 is rejected under § 103(a) as being unpatentable over *Arkes* in view of *Edlund et al.* and further in view of U.S. Patent Appln. Publication 2004/0015394 (*Mok et al.*, hereinafter

*Mok*). Applicants respectfully traverse these rejections and submit that independent Claims 1, 15, and 16, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

As discussed in the specification and the previous amendments, the present invention facilitates reward redemption through online bidding by providing a relatively light-weight middleware application that interfaces between a plurality of account managers, each offering a rewards program, and a plurality of standalone auction systems. The middleware application registers a rewards program participant with an auction system, ensures that a bid amount is valid against the amount of fund in the participant's rewards account and the amount of the highest bid so far, and deducts the bid amount from the rewards account when the bid is successful. It makes it easy for members of plural rewards programs to participate in any of a plurality of standalone auction systems (Para. 0067), thereby offering substantial flexibility to reward redemption through online bidding.

On page 4, the Office Action concedes that:

Arkes does not explicitly disclose selecting an auction system from a plurality of auctions systems wherein each auction system manages a plurality of auctions; registering, by an auction middleware application, a rewards account with the auction system, wherein the auction middleware application is adapted to interact with a plurality of account managers offering a plurality of rewards programs, and wherein the auction middleware application acts as an interface between the plurality of account managers and the plurality of auction systems.

The Office Action then looks to Claim 1 of *Edlund et al.* as teaching those features. *See* Office Action, page 4. Applicants have carefully studied that portion of

*Edlund et al.*, and *Edlund et al.* as a whole, and are unable to agree with the Office Action’s characterization of that reference for the following reasons.

Even if *Edlund et al.* teach an interface that allows a user to interact with multiple auction websites, *Edlund et al.* completely lacks a “middleware application” as claimed in Claim 1 which interfaces between a plurality of account managers, each offering a rewards program, and also plurality of auction systems.

As understood by Applicants, *Edlund et al.* allows purchasers to manage multiple auction sites automatically through a software tool that contains a configuration profile for each auction site. *See Edlund et al.*, paragraph 12. In paragraph 12, *Edlund et al.* state that:

The configuration profile information basically contains a protocol to access the auction site, how to retrieve a list of current auctions, how to search an auction site, how to place or cancel a bid, purchaser and password information for the auction site, along with additional information about the site (e.g., format specification for extraction of data).

While *Edlund et al.* may allow a purchaser to engage in certain basic auction activities with multiple auction sites (e.g., searching for an action item and bidding), nothing has been found in *Edlund et al.* to teach or reasonably suggest a “middleware application” as claimed in Claim 1 which also interfaces between a plurality of account managers, each offering a rewards program. Accordingly, Applicants respectfully submit *Edlund et al.* fails to cure the admitted deficiencies of *Arkes*.

A review of *Robertson, Yakos, Iannacci, and Mok et al.* has failed to reveal anything that, in Applicants’ opinion, would remedy the deficiencies of the art discussed above, as applied against the claims herein.

For at least these reasons, Applicants submit that the Office cannot sufficiently establish a *prima facie* case of obviousness against Claim 1 in view of the cited art, and that the various proposed combinations of *Arkes*, *Edlund et al.*, *Robertson*, *Yakos*, *Iannacci*, and *Mok et al.*, even if deemed legally permissible or technically feasible, would fail to arrive at Claim 1.

Accordingly, the rejection under 35 U.S.C § 103(a) is believed obviated, and its withdrawal is respectfully requested.

Claims 15 and 16 recite similar features to those discussed above with respect to Claim 1 and are therefore believed to be allowable for at least the reasons discussed above.

The other claims in this application are each dependent from Claim 1 and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jonathan Berschadsky/  
Jonathan Berschadsky  
Attorney for Applicants  
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCHS\_WS 2634389\_1